

**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION**

Jay Easler, individually and as class representative
of others similarly situated,

Plaintiff(s),

v.

Hoechst Celanese Corporation; HNA Holdings, Inc;
CNA Holdings, Inc.; Arteva Specialties S.à.r.l., *dba*
KoSa; INVISTA S.à.r.l., *dba* Invista; Auriga
Polymers Inc.; Indorama Ventures USA, Inc.;
Hercules, Inc.; Hystron Fibers, Inc.; Johns Manville
Corporation,

Defendants.

Civil Case No. 7:14-00048-TMC

ORDER OF DISMISSAL WITH PREJUDICE

This matter comes before the Court upon the Plaintiff's Unopposed Motion for Voluntary Dismissal with Prejudice as to Defendants Hoechst Celanese Corporation, HNA Holdings, Inc., CNA Holdings, Inc., CNA Holdings LLC¹, Arteva Specialties S.à.r.l., INVISTA S.à.r.l., Auriga Polymers Inc., Indorama Ventures USA, Inc., Hercules, Inc.², Ashland Inc.³, Hystron Fibers,

¹ Plaintiff incorrectly named Hoechst Celanese Corporation, HNA Holdings, Inc., and CNA Holdings, Inc. in the Complaint, although the correct corporate entity is CNA Holdings LLC. This Order of Dismissal with Prejudice is effective as to CNA Holdings LLC, Hoechst Celanese Corporation, HNA Holdings, Inc., and CNA Holdings, Inc.

² Plaintiff incorrectly named Hercules, Inc. in the Complaint, although the correct corporate entity is Hercules Incorporated. This Order of Dismissal with Prejudice is effective as to Hercules, Inc. and Hercules Incorporated.

³ Plaintiff previously stipulated to the dismissal of Ashland Inc. without prejudice. [ECF No. 45] As part of the resolution described herein, the dismissal of Ashland Inc. shall be deemed with prejudice.

Inc., Hystron Fibers, Incorporated⁴, Johns Manville Corporation, and Johns Manville, registered to do business in South Carolina as Johns Manville, Inc.⁵ (the “Dismissed Defendants”).

1. Plaintiff and his counsel have represented that, after an extensive expenditure of legal resources and a detailed review of the facts by their attorneys and experts, they have concluded that:

- a. No class can properly be certified at this time against the Dismissed Defendants relating to groundwater contamination, surface water contamination, or other environmental issues from the manufacturing facility in the community of Cannon's Campground, South Carolina that is the subject of the Plaintiff's Complaint (the "Manufacturing Facility");
- b. Plaintiff and certain of the Dismissed Defendants have agreed to specific protocols for monitoring of existing contamination and additional monitoring should the existing contamination spread, as outlined in the settlement agreement. With the specific protocols in place, there is presently no basis for concluding that the existing contamination from the Manufacturing Facility poses any threat to health, safety, or the environment in the surrounding area; and
- c. Any contamination relating to the Manufacturing Facility is being remediated under the direction of the South Carolina Department of Health and Environmental Control (“DHEC”).

⁴ Plaintiff incorrectly named Hystron Fibers, Inc. in the Complaint, although the correct corporate entity name is Hystron Fibers, Incorporated. This Order of Dismissal with Prejudice is effective as to both Hystron Fibers, Inc. and Hystron Fibers, Incorporated.

⁵ Plaintiff incorrectly named Johns Manville Corporation in the Complaint, although the correct corporate entity is Johns Manville, registered to do business in South Carolina as Johns Manville, Inc. This Order of Dismissal with Prejudice is effective as to Johns Manville, Johns Manville, Inc. and Johns Manville Corporation.

2. Certain of the Dismissed Defendants provided the Plaintiff with access to ground water data, the Manufacturing Facility itself, and relevant technical experts well in advance of what would be required of the Dismissed Defendants under the Federal Rules of Civil Procedure. Plaintiff reached the conclusions described in paragraph 1 after receiving such information, reviewing over 15,000 pages of historical data maintained by DHEC, and utilizing independent scientific experts to analyze the groundwater conditions of the Cannon's Campground neighborhood

3. Under these circumstances, Plaintiff and his counsel have elected not to pursue this class action lawsuit, and are withdrawing their class allegations with prejudice. The named Plaintiff is voluntarily dismissing his individual claims with prejudice while further acknowledging that he has no basis for bringing any additional claims of any kind relating to environmental, health or safety issues arising from the Manufacturing Facility as they exist on the date of this filing. The named Plaintiff also acknowledges that certain of the Dismissed Defendants will be providing funds to the Plaintiff and certain other property owners as payment for the right to access the owners' property in the course of carrying out a groundwater monitoring program.

Upon consideration of the foregoing and the record as a whole, and for good cause shown:

1. The named Plaintiff's claims are DISMISSED WITH PREJUDICE with respect to all Dismissed Defendants identified above.

s/Timothy M Cain
The Honorable Timothy M. Cain
United States District Judge

March 30, 2016
Anderson, South Carolina

WE SO MOVE AND CONSENT

/s/Weston Adams, III

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Auriga Polymers Inc.; Indorama Ventures USA,
Inc.; and Hyston Fibers, Incorporated (incorrectly
named as Hyston Fibers, Inc.)*

/s/Benjamin A. Johnson

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